

Appl. No.: 10/020,540  
Amendment dated April 29, 2005  
Reply to Office Action of March 1, 2005  
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**Amendments to the Claims:**

Please amend claims 1, 9-14, 16, 17, 21 and 28 and cancel claims 2-8 as follows:

1. (Currently amended) An isolated or recombinant nucleic acid molecule comprising a promoter ~~less than 1000 base pairs in length~~, operably linked to a heterologous polynucleotide, wherein the promoter comprises ~~a nucleotide sequence that is at least about 80% identical to the full length of the nucleotide sequence set forth in SEQ ID NO: 1.~~
- 2-8. (Cancelled)
9. (Currently amended) The nucleic acid molecule of claim 61, wherein the promoter is derived from SVBV.
10. (Currently amended) The nucleic acid molecule of claim 61, wherein the promoter is derived from SVBV Strain E3.
11. (Currently amended) The nucleic acid molecule of claim 61, wherein the heterologous polynucleotide encodes a polypeptide.
12. (Currently amended) The nucleic acid molecule of claim 61, wherein the heterologous polynucleotide encodes an antisense RNA.
13. (Currently amended) The nucleic acid molecule of claim 61, further comprising a transcription termination signal.
14. (Currently amended) The nucleic acid molecule of claim 61, wherein the nucleic acid molecule is a plasmid suitable for transfection of a plant cell.
15. (Original) The nucleic acid molecule of claim 14, wherein the plasmid comprises a selectable marker gene and *Agrobacterium* border sequences.
16. (Currently amended) The nucleic acid molecule of claim 61, wherein the promoter comprises two or more enhancer elements.
17. (Currently amended) The nucleic acid molecule of claim 61, wherein the promoter is chimeric.
18. (Original) The nucleic acid molecule of claim 17; wherein the chimeric promoter comprises a minimal promoter region derived from SVBV.

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19. (Original) The nucleic acid molecule of claim 17, wherein the chimeric promoter comprises an enhancer element derived from SVBV.
20. (Previously presented) The nucleic acid molecule of claim 19, wherein the chimeric promoter comprises two or more enhancer elements derived from SVBV.
21. (Currently amended) The nucleic acid molecule of claim 61, wherein the nucleic acid molecule is an expression cassette.
22. (Original) A host cell transfected with the nucleic acid molecule of claim 21.
23. (Original) The host cell of claim 22, wherein the host cell is a plant cell.
24. (Original) The host cell of claim 23, wherein the cell is present within a plant.
25. (Original) A transgenic plant comprising the nucleic acid molecule of claim 21.
26. (Original) The transgenic plant of claim 25, wherein the plant is a monocot.
27. (Original) The transgenic plant of claim 25, wherein the plant is a dicot.
28. (Currently amended) A method of expressing a heterologous polynucleotide in a plant cell, the method comprising:
- (i) providing an expression cassette comprising a promoter operably linked to the heterologous polynucleotide, wherein the promoter is less than 1000 base pairs in length, comprises a nucleotide sequence that is at least 90% identical to 100 contiguous nucleotides in a the nucleotide sequence selected from set forth in SEQ ID NO: 1; and
  - (ii) introducing the expression cassette into a plant cell, wherein the heterologous polynucleotide is expressed.
29. (Original) The method of claim 28, wherein the plant cell is present within a plant.
30. (Original) The method of claim 28, wherein *Agrobacterium* is used to introduce the nucleic acid molecule into the cell.